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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/695,805	10/30/2003	Varsha Clare	50108-061	6881

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McDERMOTT, WILL & EMERY
600 13th Street, N.W.
Washington, DC 20005-3096

EXAMINER

IQBAL, KHAWAR

ART UNIT	PAPER NUMBER
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2617

DATE MAILED: 10/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/695,805	Applicant(s) CLARE ET AL.	
	Examiner Khawar Iqbal	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 8-7-06.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 47-61 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 47-61 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 08-07-06 has been entered.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Regarding claims 47-61, the phrase "if" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d). Note usage of "if" phrase is not same as usage of "when" phrase.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 47-61 are rejected under 35 U.S.C. 102(e) as being anticipated by Costa-Requena et al (20040225878).

6. Regarding claim 47 Costa-Requena et al teaches a method for managing authentication and authorization of user access to data applications of a service provider through a wireless communication network, comprising steps of (figs. 1-7):

authenticating a mobile station of a data application user as a valid mobile station for obtaining communication service through the wireless communication network, at a control node of the wireless communication network (para. # 0031-0032, para. # 0036);

obtaining from the control node information indicating successful authentication of the user's mobile station, receiving an identifier associated with the data application user, when the user attempts to access a data application on a server through the wireless communication network (para. # 0031-0036, para. 0050, 0048-0050, para. # 0054, para. # 0068, para. # 0078-0079);

based on the identifier, checking the information successful authentication of the user's mobile station at communication network (para. # 0031-0036, para. 0050, 0048-0050, para. # 0054, para. # 0068, para. # 0078-0079);

station to determine if there has been a the control node of the wireless if the determination is that there has been a successful authentication of the user's mobile at the control node of the wireless communication network, using the identifier to determine if the user is authorized to access the data application on the server, from

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among a plurality of data applications accessible through the wireless communication network (para. # 0031-0036, para. 0050, 0048-0050, para. # 0054, para. # 0062-0063 para. # 0068,0074 para. # 0078-0079); and

if the user is authorized to access the data application on the server, allowing the user to access the data application on the server from the mobile station via communications through the wireless communication network (para. # 0031-0036, para. 0050, 0048-0050, para. # 0054, para. # 0068, para. # 0078-0079).

Regarding claim 48 Costa-Requena et al teaches wherein the steps of authenticating, determining authorization of the user and allowing the user to access the data application On the server do not require user input of a password (para. # 0031-0036, para. 0050, 0048-0050, para. # 0054, para. # 0068, para. # 0078-0079).

Regarding claim 49 Costa-Requena et al teaches wherein: the control node is a home location register (HLR) of the wireless communication network; and the steps of obtaining information indicating successful authentication of the user' mobile station, receiving the identifier associated with the data application user and checking the information to determine if there has been a successful authentication are performed in an Authentication, Authorization, and Accounting (AAA) server of the wireless communication network (para. # 0031-0036, para. 0050, 0048-0050, para. # 0054, para. # 0068, para. # 0078-0079).

Regarding claim 50 Costa-Requena et al teaches wherein the step of obtaining information indicating successful authentication of the user's mobile station from the control node comprises: periodically querying the HLR for information as to

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mobile stations that have been authenticated; and storing identifications of HLR authenticated mobile stations in the AAA server (para. # 0031-0036, para. 0050, 0048-0050, para. # 0054, para. # 0068, para. # 0078-0079).

Regarding claim 51 Costa-Requena et al teaches wherein the step of obtaining information indicating successful authentication of the user's mobile station from the control node comprises querying the HLR regarding the user's mobile station upon receiving the identifier associated with the data application user, when the user attempts to access the data application on the server through the wireless communication network (para. # 0031-0036, para. 0050, 0048-0050, para. # 0054, para. # 0068, para. # 0078-0079).

Regarding claim 52 Costa-Requena et al teaches wherein the data application on the server offers a service for mobile station users from an operator of the wireless communication network (para. # 0031-0036, para. 0050, 0048-0050, para. # 0054, para. # 0068, para. # 0078-0079).

Regarding claim 53 Costa-Requena et al teaches wherein the determination if the user is authorized to access the data application on the server comprises determining one of a plurality of available levels of service to which the user is subscribed and whether access to the data application on the server is within the one subscribed level of service (para. # 0031-0036, para. 0050, 0048-0050, para. # 0054, para. # 0068, para. # 0078-0079).

Regarding claim 54 Costa-Requena et al teaches wherein the determination if the user is authorized to access the data application on the server comprises

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determining one of a plurality of available levels of service to which the user is subscribed and whether access to the data application on the server is within the one subscribed level of service (para. # 0031-0036, para. 0050, 0048-0050, para. # 0054, para. # 0068, para. # 0078-0079).

Regarding claim 55 Costa-Requena et al teaches further comprising receiving and validating a password of the user before allowing the user to access the data application on the server from the mobile station via communications through the wireless communication network (para. # 0031-0036, para. 0050, 0048-0050, para. # 0054, para. # 0068, para. # 0078-0079).

Regarding claim 56 Costa-Requena et al teaches wherein the password of the user is the same password that would be validated before granting access to the application on the server if the user attempted access via a network other than the wireless communication network (para. # 0031-0036, para. 0050, 0048-0050, para. # 0054, para. # 0068, para. # 0078-0079).

Regarding claim 57 Costa-Requena et al teaches a system, comprising:

a wireless network for providing mobile communication services to and from a plurality of mobile stations (para. # 0031-0036, para. 0050, 0048-0050, para. # 0054, para. # 0068, para. # 0078-0079);

a control node for authenticating one of the mobile stations of a data application user as a valid mobile station for obtaining communication service through the wireless network (para. # 0031-0036, para. 0050, 0048-0050, para. # 0054, para. # 0068, para. # 0078-0079);

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a data application server, coupled to the wireless network for providing a data application service via the network (para. # 0031-0036, para. 0050, 0048-0050, para. # 0054, para. # 0068, para. # 0078-0079); and

an authentication and authorization server, wherein the authentication and authorization server is configured for:

obtaining from the control node information indicating successful authentication of the data application user's mobile station (para. # 0031-0036, para. 0050, 0048-0050, para. # 0054, para. # 0068, para. # 0078-0079);

receiving an identifier associated with the data application user from the data application server, when the user attempts to access the data application service on the data application server through the wireless communication network; based on the identifier, checking the information to determine if there has been a successful authentication of the user's mobile station at the control node of the wireless communication network (para. # 0031-0036, para. 0050, 0048-0050, para. # 0054, para. # 0068, para. # 0078-0079);

if the determination is that there has been a successful authentication of the user's mobile station at the control node of the wireless communication network, using the identifier to determine if the user is authorized to access the data application on the server, from among a plurality of data applications accessible through the wireless communication network (para. # 0031-0036, para. 0050, 0048-0050, para. # 0054, para. # 0068, para. # 0078-0079); and

if the user is authorized to access the data application on the server, enabling the data application server to permit the user to access the data application service from the mobile station via communications through the wireless communication network (para. # 0031-0036, para. 0050, 0048-0050, para. # 0054, para. # 0068, para. # 0078-0079).

Regarding claim 58 Costa-Requena et al teaches wherein: the control node comprises a home location register (HLR); and the authentication and authorization server comprises an Authentication, Authorization and Accounting (AAA) server (para. # 0031-0036, para. 0050, 0048-0050, para. # 0054, para. # 0068, para. # 0078-0079).

Regarding claim 59 Costa-Requena et al teaches wherein: the data application server is operated by a wireless carrier that operates the wireless network; and the data application service is a data service offered by the carrier for mobile station users (para. # 0031-0036, para. 0050, 0048-0050, para. # 0054, para. # 0068, para. # 0078-0079).

Regarding claim 60 Costa-Requena et al teaches wherein the data application server is operated by a party other than a wireless carrier that operates the wireless network (para. # 0031-0036, para. 0050, 0048-0050, para. # 0054, para. # 0068, para. # 0078-0079).

Regarding claim 61 Costa-Requena et al teaches wherein the data application server is also accessible via a communication network other than the

wireless communication network (para. # 0031-0036, para. 0050, 0048-0050, para. # 0054, para. # 0068, para. # 0078-0079).

7. Claims 47-61 are rejected under 35 U.S.C. 102(e) as being anticipated by Forslow (20030039237).

8. Regarding claim 47 Forslow teaches a method for managing authentication and authorization of user access to data applications of a service provider through a wireless communication network, comprising steps of (figs. 1-13):

authenticating a mobile station of a data application user as a valid mobile station for obtaining communication service through the wireless communication network, at a control node of the wireless communication network (para. # 0093-0102);

obtaining from the control node information indicating successful authentication of the user's mobile station, receiving an identifier associated with the data application user, when the user attempts to access a data application on a server through the wireless communication network (para. # 0093-0102);

based on the identifier, checking the information successful authentication of the user's mobile station at communication network (para. # 0093-0102);

station to determine if there has been a the control node of the wireless if the determination is that there has been a successful authentication of the user's mobile at the control node of the wireless communication network, using the identifier to determine if the user is authorized to access the data application on the server, from

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among a plurality of data applications accessible through the wireless communication network (para. # 0093-0102); and

if the user is authorized to access the data application on the server, allowing the user to access the data application on the server from the mobile station via communications through the wireless communication network (para. # 0093-0102).

Regarding claim 48 Bass et al teaches wherein the steps of authenticating, determining authorization of the user and allowing the user to access the data application On the server do not require user input of a password (para. # 0093-0102).

Regarding claim 49 Bass et al teaches wherein: the control node is a home location register (HLR) of the wireless communication network; and the steps of obtaining information indicating successful authentication of the user's mobile station, receiving the identifier associated with the data application user and checking the information to determine if there has been a successful authentication are performed in an Authentication, Authorization, and Accounting (AAA) server of the wireless communication network (para. # 0093-0102).

Regarding claim 50 Bass et al teaches wherein the step of obtaining information indicating successful authentication of the user's mobile station from the control node comprises: periodically querying the HLR for information as to mobile stations that have been authenticated; and storing identifications of HLR authenticated mobile stations in the AAA server (para. # 0093-0102).

Regarding claim 51 Bass et al teaches wherein the step of obtaining information indicating successful authentication of the user's mobile station from the

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control node comprises querying the HLR regarding the user's mobile station upon receiving the identifier associated with the data application user, when the user attempts to access the data application on the server through the wireless communication network (para. # 0093-0102).

Regarding claim 52 Forslow teaches wherein the data application on the server offers a service for mobile station users from an operator of the wireless communication network (para. # 0093-0102).

Regarding claim 53 Forslow teaches wherein the determination if the user is authorized to access the data application on the server comprises determining one of a plurality of available levels of service to which the user is subscribed and whether access to the data application on the server is within the one subscribed level of service (para. # 0093-0102).

Regarding claim 54 Forslow teaches wherein the determination if the user is authorized to access the data application on the server comprises determining one of a plurality of available levels of service to which the user is subscribed and whether access to the data application on the server is within the one subscribed level of service (para. # 0093-0102).

Regarding claim 55 Forslow teaches further comprising receiving and validating a password of the user before allowing the user to access the data application on the server from the mobile station via communications through the wireless communication network (para. # 0093-0102).

Regarding claim 56 Forslow teaches wherein the password of the user is the same password that would be validated before granting access to the application on the server if the user attempted access via a network other than the wireless communication network (para. # 0093-0102).

Regarding claim 57 Forslow teaches a system, comprising:

a wireless network for providing mobile communication services to and from a plurality of mobile stations (para. # 0093-0102);

a control node for authenticating one of the mobile stations of a data application user as a valid mobile station for obtaining communication service through the wireless network (para. # 0093-0102);

a data application server, coupled to the wireless network for providing a data application service via the network (para. # 0093-0102); and

an authentication and authorization server, wherein the authentication and authorization server is configured for:

obtaining from the control node information indicating successful authentication of the data application user's mobile station (para. # 0093-0102);

receiving an identifier associated with the data application user from the data application server, when the user attempts to access the data application service on the data application server through the wireless communication network; based on the identifier, checking the information to determine if there has been a successful authentication of the user's mobile station at the control node of the wireless communication network (para. # 0093-0102);

if the determination is that there has been a successful authentication of the user's mobile station at the control node of the wireless communication network, using the identifier to determine if the user is authorized to access the data application on the server, from among a plurality of data applications accessible through the wireless communication network (para. # 0093-0102); and

if the user is authorized to access the data application on the server, enabling the data application server to permit the user to access the data application service from the mobile station via communications through the wireless communication network (para. # 0093-0102).

Regarding claim 58 Forslow teaches wherein: the control node comprises a home location register (HLR); and the authentication and authorization server comprises an Authentication, Authorization and Accounting (AAA) server (para. # 0093-0102).

Regarding claim 59 Forslow teaches wherein: the data application server is operated by a wireless carrier that operates the wireless network; and the data application service is a data service offered by the carrier for mobile station users (para. # 0093-0102).

Regarding claim 60 Forslow teaches wherein the data application server is operated by a party other than a wireless carrier that operates the wireless network (para. # 0093-0102).

Regarding claim 61 Forslow teaches wherein the data application server is also accessible via a communication network other than the wireless communication network (para. # 0093-0102).

9. Claims 47,57 are rejected under 35 U.S.C. 102(e) as being anticipated by Pirila et al (20030152232).

10. Regarding claims 47,57 Pirila et al teaches a method for managing authentication and authorization of user access to data applications of a service provider through a wireless communication network, comprising steps of (fig. 1):

authenticating a mobile station of a data application user as a valid mobile station for obtaining communication service through the wireless communication network, at a control node of the wireless communication network (para. # 0018-0022);

obtaining from the control node information indicating successful authentication of the user's mobile station, receiving an identifier associated with the data application user, when the user attempts to access a data application on a server through the wireless communication network (para. # 0018-0022);

based on the identifier, checking the information successful authentication of the user's mobile station at communication network (para. # 0018-0022);

station to determine if there has been a the control node of the wireless if the determination is that there has been a successful authentication of the user's mobile at the control node of the wireless communication network, using the identifier to determine if the user is authorized to access the data application on the server, from

among a plurality of data applications accessible through the wireless communication network (para. # 0018-0022); and

if the user is authorized to access the data application on the server, allowing the user to access the data application on the server from the mobile station via communications through the wireless communication network (para. # 0018-0022).

Response to Arguments

11. Applicant's arguments with respect to claims 47-61 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khawar Iqbal whose telephone number is 571-272-7909.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph H. Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

Khawar Iqbal


ERIKA A. GARY
PRIMARY EXAMINER